

JOURNAL OF THE HOUSE.

Thursday, October 24, 2013.

Met at eight minutes after eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato) the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Barrows of Mansfield and Poirier of North Attleborough) congratulating Girl Scout Troop 80911 on receiving the Silver Award from the Girl Scouts of America;

Girl Scout
Troop 80911.

Resolutions (filed by Mr. Fernandes of Milford) congratulating John Deamer Donahue on earning the Eagle Scout Award;

John Deamer
Donahue.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Tyler Granville Mikulski on earning the Eagle Scout Award;

Tyler Granville
Mikulski.

Resolutions (filed by Ms. Fox of Boston) honoring the First Lady of Boston Angela Faletra Menino;

Angela Faletra
Menino.

Resolutions (filed by Mr. Linsky of Natick) congratulating Dylan Morris Baroody on receiving the Eagle Award of the Boy Scouts of America; and

Dylan Morris
Baroody.

Resolutions (filed by Mr. Linsky of Natick) congratulating Conor Crosby Walsh on receiving the Eagle Award of the Boy Scouts of America;

Conor Crosby
Walsh.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Day of West Boylston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual and Quarterly Reports.

Reports

The quarterly report of the Executive Office of Labor and Workforce Development (under Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for August, 2013; and

Unemployment
Trust Fund.

The annual report of the Department of Public Health (under Section 3 of Chapter 283 of the Acts of 2010) on the effectiveness of the prescription monitoring program.

Prescription
monitoring
program.

Severally were placed on file.

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain

Supplemental
appropriations.

Supplemental
appropriations.

other activities and projects (House, No. 3707), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1891.

Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, the Senate amendment was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with further amendments in section 2 by inserting after item 8000-0600 the following item:

“Department of State Police.

8100-1001 \$40,000”;

In section 2A by striking out item 7004-1000 and inserting in place thereof the following item:

“7004-1000 For the federal Low Income Home Energy Assistance Program 42 U.S.C. section 8621 et seq., to assist low-income elders, working families and other households with the purchase of heating oil, propane, natural gas, electricity and other primary or secondary heating sources; provided, that expenditure of these funds shall be made in accordance with the state plan submitted by the department of housing and community development for operation of the fiscal year 2014 program, in accordance with federal law..... \$20,000,000”;

By inserting after section 24 the following section:

“SECTION 24A. The last sentence of section 206 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure ‘2013’ and inserting in place thereof the following figure:— 2014”;

By inserting after section 31 the following section:

“SECTION 31A. Item 2511-0100 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words ‘commissions and committees chaired by the department’ the following:— provided further, that the department of agricultural resources shall provide an updated cost estimate of the groundwater herbicide monitoring program study;”;

By inserting after section 37, the following section:

“SECTION 37A. Item 8100-1001 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words ‘performed by state police officers’ the following words:— ; provided further, that \$40,000 shall be made available for the town of North Attleboro to assist with the law enforcement expenses incurred as a result of the Odin Lloyd murder investigation;”;

By striking out section 43 and inserting in place thereof the following section:

“SECTION 43. Section 166 of chapter 38 of the acts of 2013 is hereby amended by striking out subsection (a) and inserting in place thereof the following:—

(a) There shall be a special commission to make an investigation and study of the cost of administering early education and care services in the commonwealth and make recommendations to enhance said services where appropriate and necessary. The special commission shall

consist of the commissioner of early education and care, who shall serve as chair; the secretary of administration and finance, or a designee; the house and senate chairs of the joint committee on education, or their designees; the house and senate chairs of the joint committee on children, families, and persons with disabilities, or their designees; the ranking minority members of the house and senate on the joint committee on education, or their designees; a member of the house of representatives appointed by the speaker of the house, a member of the senate appointed by the president of the senate; the child advocate, or a designee; the commissioner of elementary and secondary education, or a designee with experience in elementary school transition; the executive director of the Massachusetts Head Start Association, or a designee; a representative of the Massachusetts Early Education and Care Association; the commissioner of transitional assistance, or a designee; the commissioner of children and families, or a designee; and 3 members appointed by the governor, 1 of whom shall be a provider of early education and care, and 1 of whom shall be a social worker with experience in serving families with children; a representative of the Massachusetts Teachers Association; and a representative of the American Federation of Teachers-Massachusetts.”;

In section 52, in subsection (o) [sic], by inserting after the words “Corrections Officers,” the following:— NÉPBA Local 550,;

By striking out section 56A and inserting in place thereof the following section:

“SECTION 56A. (a) Notwithstanding any general or special law to the contrary, the department of housing and community development may provide not more than \$20,000,000, as provided for in item 7004-1000, in advance funding to participating agencies that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 of section 2D of chapter 38 of the acts of 2013 for the purposes of operating the program in fiscal year 2014; provided, that the advanced funding shall be subject to the federal reimbursement of funds under said item 7004-2033 of said section 2D; provided further, that a portion may be expended for approved administrative costs consistent with the current or prior year’s state operation plan required by the federal program. The department and the eligible entities may, after November 1, 2013, expend a portion of these funds to assist low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources.

(b) Notwithstanding any general or special law to the contrary, upon receipt of \$20,000,000 of federal funds for the administration of the federal Low Income Home Energy Assistance Program pursuant to item 7004-2033 of section 2D of chapter 38 of the acts of 2013 and prior to complying with the provisions of said item 7004-2033 of said section 2D, the Comptroller shall transfer such amount from the General Fund to the Stabilization Fund, less any projected reversion from funds appropriated in item 7004-1000. Notwithstanding any general or special law to the contrary, the full expenditure of the program described by said item 7004-2033 of said section 2D of chapter 38 of the acts of 2013 shall not exceed the total amount of federal funds received in state fiscal year 2014.”;

Supplemental
appropriations.

By striking out section 57 and inserting in place thereof the following section:

“SECTION 57. Sections 1 to 2E, inclusive, 17 to 23, inclusive, 27 to 31, inclusive, 51, and 54 to 56, inclusive, shall take effect on June 30, 2013.”;

By striking out section 58 and inserting in place thereof the following section:

“SECTION 58. Sections 3, 24, 31A, 32 to 44, inclusive, shall take effect on July 1, 2013.”; and

By striking out section 59.

The further amendments were adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendments.

Concord,—
liquor
license.

The House Bill authorizing the town of Concord to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3615), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1 adding following paragraph:

“Upon issuance of the license authorized in this act, Nine Acres Wines, Inc. shall surrender to the licensing authority the license it currently holds for the sale of wines and malt beverages not to be drunk on the premises.”.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Jessica
Culver,—
sick leave.

The Senate Bill establishing a sick leave bank for Jessica Culver, an employee of the Department of Mental Health (Senate, No. 1888) (on Senate bill, No. 1871), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Joshua
Rocha,—
sick leave.

A petition (accompanied by bill) of James E. Timilty and Louis L. Kafka for legislation to establish a sick leave bank for Joshua Rocha, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1896) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Central
Berkshire
Development
Corporation.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Tricia Farley-Bouvier, Benjamin B. Downing and William Smitty Pignatelli relative to taxation of real property owned by the Central Berkshire County Development Corporation.

Pending the question on suspension of Joint Rule 12, the petition was transmitted by the Clerk to the State Secretary for a determination of it being subject to Joint Rule 9 and applicable to Section 5 of Chapter 3 of the General Laws.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Jay Livingstone and William N. Brownsberger for legislation to establish a sick leave bank for Anne Fiesinger, an employee of the Department of Conservation and recreation. Under suspension of the rules, on motion of Mr. Brodeur of Melrose, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Anne
Fiesinger,—
sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Senate bills

Relative to the board of selectmen of the town of Groveland (Senate, No. 1799) [Local Approval Received];

Groveland,—
selectmen.

Relative to retirement benefits for Matthew Swaine (Senate, No. 1838) [Local Approval Received]; and

Matthew
Swaine.

Authorizing the town of Belchertown to convey certain land (Senate, No. 1887) [Local Approval Received]; and

Belchertown,—
land.

House bills

Establishing a sick leave bank for Robert K. Barry, an employee of the Executive Office of Health and Human Services (House, No. 3668);

Robert K.
Barry.

Establishing a sick leave bank for Janet Soboleski, an employee of the Department of Mental Health (House, No. 3682); and

Janet
Soboleski.

Establishing a sick leave bank for Maritza Miranda, an employee of the Department of Children and Families (House, No. 3693);

Maritza
Miranda.

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills were read a second time forthwith; and they were ordered to a third reading.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill relative to veterans' allowances, labor, outreach, and recognition (Senate, No. 1885), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Veterans,—
benefits.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, on Senate, No. 21 and House, No. 158, a Bill relative to cueing and supervision in the PCA program (House, No. 3709) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

PCA
program.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the Bill relative to creating a community based flexible supports oversight commission (House, No. 1805, changed), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3710).

Mental
health,—
oversight.

Addictive
substances.

By the same member, for the same committee, that the Bill relative to emergency scheduling of addictive substances by the Commissioner of Public Health (House, No. 3547), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3711).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Lowell,—
voting
age.

By Mr. Murphy of Weymouth, for the committee on Election Laws, a Bill allowing citizens seventeen (17) years of age to vote in the city of Lowell municipal elections (printed as Senate, No. 317).

Campaign
finance.

By the same member, for the committee on Election Laws, on House, No. 573, a Bill to strengthen campaign finance reporting requirements (House, No. 3719).

Nantucket,—
airport
fuel.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a joint petition, a Bill relative to the Nantucket Memorial Airport Fuel Revolving Account (House, No. 3626) [Local Approval Received].

Ashland,—
enterprise
fund.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Ashland to establish an enterprise fund (House, No. 3627) [Local Approval Received].

Littleton,—
land.

By the same member, for the same committee, on a joint petition, a Bill relative to a land conveyance in the town of Littleton (House, No. 3642) [Local Approval Received].

Whelden
library,—
funding.

By the same member, for the same committee, on a joint petition, a Bill authorizing the West Barnstable Fire District to fund library services for the Whelden Memorial Library (House, No. 3648).

Belmont,—
town
administrator.

By the same member, for the same committee, on a petition, a Bill establishing the position of town administrator in the town of Belmont (House, No. 3657) [Local Approval Received].

Ashland,—
town
meeting.

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill validating the results of the annual town meeting of the town of Ashland held on May 2, 2012 (printed in House, No. 3675).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Thomas
Mulvey,—
sick leave.

The engrossed Bill establishing a sick leave bank for Thomas Mulvey, an employee of the Department of Housing and Community Development (see House, No. 3447, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Authorizing the town of the town of Norfolk to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 307, amended); Bills enacted.

Relative to the form of government in the town of Paxton (see House, No. 3533); and

Authorizing the town of Natick to grant a license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3616); (Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate amendment of the House Bill relative to the sale of alcoholic beverages in the town of Harvard (House, No. 3494, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence. Harvard,—liquor license.

House bills

Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Belmont for recreation, public works or other municipal purposes (House, No. 2869 changed and amended); and Third reading bills.

Authorizing the conveyance of a certain interest of land relative to Northampton and Williamsburg (House, No. 3619);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn were third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

At twenty-two minutes before twelve o'clock noon, on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at twenty minutes before two o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Reports of Committees.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the Greater Haverhill Foundation (House, No. 3650). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Greater Haverhill Foundation.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the bill be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At nineteen minutes before two o'clock P.M., on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at two minutes after four o'clock, the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

Supplemental appropriations.

The engrossed Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3707, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At eleven minutes after four o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.